Applicants : Jaroslaw J. Sydir et al.   Attorney's Docket No.: INTEL-012PUS
Serial No. : 10/747,852   Intel Docket No. P17939
Filed   : December 29, 2003
Page   : 2 of 8

REMARKS

Claims 1 to 3, 5 to 21 and 25 to 30 are pending in this application. Claims 1, 7, 9, 12, 15, 19 and 25 are the independent claims. Favorable reconsideration is respectfully requested.

Initially, Applicants submit that the Examiner has failed to provide a *prima facie* obviousness rejection because at least because the Examiner has failed to address the specific limitations of all claims and pointed to the cited art where these limitations may be found. For example, the Examiner has failed to explicitly address with respect to dependent claims 18, 20, 21 and 25 to 30 that a first core and a second core are one of a cypher core or an authentication core. Even though claims 18, 20, 21 and 26 to 28 are addressed on the header to section 5 of the Office Action (see pages 2 to 5 of the Office Action), the substance of these claims were never explicitly addressed; but rather, it seems that only claim 1 was addressed. Also, claims 29 and 30 are cited in the header of section 10, but these claims were also never explicitly addressed (see pages 8 to 10 of the Office action). Applicants submit that the Examiner has failed to provide a *prima facie* obviousness rejection with respect to claims 18, 20, 21 and 25 to 30 and respectfully request that the rejection for these claims be withdrawn.

Claims 9 to 14, 29 and 30 were rejected under 35 U.S.C. § 103(a) as being obvious over Kimmel et al. (U.S. Patent Number 6,105,053 hereinafter "Kimmel") in view of Yung. (U.S. Patent Number 5,592,679 hereinafter "Yung") and in view of Sihlbom et al (U.S. Patent Publication No. 2002/0188885 hereinafter "Sihlbom").

Applicants : Jaroslaw J. Sydir et al.
Serial No. : 10/747,852
Filed : December 29, 2003
Page : 3 of 8

Attorney's Docket No.: INTEL-012PUS
Intel Docket No. P17939

With respect to independent claims 9 and 12 none of the cited art disclose or suggest a processor

that includes a plurality of <u>cryptographic</u> acceleration units (emphasis added). The Examiner has

indicated that Fig. 1A and units 10 and 11 of Kimmel disclose cryptographic acceleration units.

However, Kimmel does not teach <u>cryptographic</u> acceleration units. The Examiner stated in the

Office Action that Applicants arguments are unpersuasive because Applicants did not define

cryptographic acceleration units in the claim (see pages 10 and 11 of the Office Action).

Applicants respectfully disagree. Applicants submit that one of ordinary skill in the art would

understand the plain meaning of what cryptographic acceleration units are and would not find

that Kimmel teaches such units. Furthermore, Applicants respectfully submit that an "applicant

is entitled to be his or her own lexicographer" and "where an explicit definition is provided by

the applicant for a term, <u>that definition will control interpretation of the term as it is used in the</u>

<u>claim</u>" (emphasis added, see MPEP §2111.01 Part IV and <u>Toro Co. v. White Consolidated</u>

<u>Industries Inc.</u>, 199 F.3d 1295, 1301 (Fed. Cir. 1999)). "The specification should also be relied

on for more than just explicit lexicography or clear disavowal of claim scope to determine the

meaning of a claim term when applicant acts as his or her own lexicographer; <u>the meaning of a</u>

<u>particular claim term may be defined by implication, that is, according to the usage of the term in</u>

<u>the context in the specification</u>" (emphasis added, see MPEP §2111.01 Part IV, <u>Phillips v. AWH</u>

<u>Corp.</u>, 415 F.3d 1303 (Fed. Cir. 2005) (en banc) and <u>Vitronics Corp. v. Conceptronic Inc.</u>, 90

F.3d 1576, 1583 (Fed. Cir. 1996)). Since Applicants have clearly defined cryptographic

acceleration units in the specification both implicitly and explicitly (see page 11, line 25 to page

12, line 11); Applicants respectfully request that the art rejection be withdrawn with respect to

claims 9 and 12.

Applicants : Jaroslaw J. Sydir et al.
Serial No. : 10/747,852
Filed : December 29, 2003
Page : 4 of 8

Attorney's Docket No.: INTEL-012PUS
Intel Docket No. P17939

Claims 1 to 3, 5 to 8, 15 to 21 and 25 to 28 were rejected under 35 U.S.C.

§ 103(a) as being obvious over Kimmel in view of Sihlbom and in further view of

Delaney et al (U.S. Patent Number 5,996, 086 hereinafter "Delaney").

Claim 1 is directed to a processor that includes a command first-in-first-out (FIFO)

configured to store commands. The commands comprising a first command associated with a

first context. The processor also includes cores that including a first core and a second core and

same-context-command FIFOs configured to store commands of a same context. The same-

context-command FIFOs include a first same-context command FIFO coupled to the first core

and a second same-context-command FIFO coupled to the second core. The processor further

includes a scheduler configured to receive the first command from the command FIFO and to if a

first core is idle, determine whether a second core is idle; if the second core is not idle and the

second core is processing a second command associated with a second context, determine

whether the second context is the same as the first context and if the second context is the same

as the first context, store the first command in the second same-context-command FIFO.

The applied art is not understood to disclose or to suggest the foregoing features of

claim 1. In particular, the cited art whether taken separately or in combination does not disclose

or suggest a scheduler configured to receive the first command from the command FIFO and to if

a first core is idle, determine whether a second core is idle; if the second core is not idle and the

second core is processing a second command associated with a second context, determine

whether the second context is the same as the first context and if the second context is the same

as the first context, store the first command in a second same-context-command FIFO.

The Examiner submits that neither Kimmel nor Sihlbom or their combination discloses or

suggests a scheduler configured to receive the first command from the command FIFO and to if a

first core is idle, determine whether a second core is idle; if the second core is not idle and the

second core is processing a second command associated with a second context, determine

whether the second context is the same as the first context and if the second context is the same

as the first context, store the first command in a second same-context-command FIFO (see page

4 of the Office Action). To make up for the deficiencies in Kimmel and Sihlbom, the Examiner

cites Delaney. The Examiner argues that "failing corresponds to idling" (see page 4 of the

Office Action). Applicants respectfully disagree. Claim terms are interpreted as broadly as

reasonably allowed and the words of a claim must be given their plain meaning unless the plain

meaning is inconsistent with the specification (emphasis added, In re American Academy of

Science Tech Center, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004), In re Zletz,

893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) and MPEP §2111.01). "[T]he

ordinary and customary meaning of a claim term is the meaning that the term would have to a

person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective

filing date of the patent application." Phillips v. AWH Corp., 415 F.3d 1303, 1313, 75 USPQ 2d

1321, 1326 (Fed. Cir. 2005) (en banc). Applicants respectfully submit that a person of ordinary

skill in the art reasonably understands that a unit that fails is not idling. For example, idling

means not occupied or employed (see http://www.merriam-webster.com/dictionary/idle) while

failing in Delaney means to be unsuccessful (see http://www.merriam-

webster.com/dictionary/fail). Furthermore, Applicants respectfully submit that an "applicant is

entitled to be his or her own lexicographer" and that Applicants implicit use of the word "idle"

Applicants : Jaroslaw J. Sydir et al.
Serial No. : 10/747,852
Filed : December 29, 2003
Page : 6 of 8

Attorney's Docket No.: INTEL-012PUS
Intel Docket No. P17939

does not include the definition of failure as one of ordinary skill in the art would conclude upon

reading Applicants' specification (see MPEP §2111.01 Part IV). Therefore, Delaney does not

disclose or suggest a scheduler configured to receive the first command from the command FIFO

and to if a first core is idle, determine whether a second core is idle; if the second core is not idle

and the second core is processing a second command associated with a second context,

determine whether the second context is the same as the first context and if the second context is

the same as the first context, store the first command in a second same-context-command FIFO

Accordingly, for at least the reasons indicated above, even if Sihlbom and Kimmel were

combined with Delaney, the resulting hypothetical combination would not disclose or suggest a

scheduler configured to receive the first command from the command FIFO and to, if a first core

is idle, determine whether a second core is idle; if the second core is not idle and the second core

is processing a second command associated with a second context, determine whether the second

context is the same as the first context and if the second context is the same as the first context,

store the first command in a second same-context-command FIFO. For at least this reason, claim

1 is believed to be allowable.

Furthermore, independent claims 7, 15, 19 and 25 have corresponding features to claim 1.

Applicants submit that the Sihlbom, Kimmel and Delaney references should also be withdrawn

with respect to claims 7, 15, 19 and 25 for at least the same reasons as claim 1.

With respect to dependent claim 2, the Examiner asserts that it would be obvious to one

of ordinary skill in the art that if the second core is idle, assign the first command to the first core

for processing. (see page 7 of the Office Action). Such a conclusion is illogical upon reading

Delaney since Delaney interprets idling to be failing. Even though the Examiner states that

Applicants : Jaroslaw J. Sydir et al.
Serial No. : 10/747,852
Filed : December 29, 2003
Page : 7 of 8

Attorney's Docket No.: INTEL-012PUS
Intel Docket No. P17939

claim 2 is not found in Delaney, one of ordinary skill in the art cannot ignore Delaney since claim 2 depends on claim 1. Thus, if both cores fail no one of ordinary skill in the art would then assign the command to be processed by a failed core. Furthermore, the combination of the cited references and the Examiner's suggestion of what one of ordinary skill in the art would do in the manner suggested by the Examiner is a hindsight reconstruction made possible only by using Applicants' specification.

Based on at least the foregoing reasons, Applicants respectfully submit that since the Examiner has not shown all the claim elements in the prior art, nor provided any support to account for the gaps between the claimed invention and the prior art, the cited reference as suggested by the Examiner would not be made but for reading Applicants' specification.

Therefore, no one of ordinary skill in the art would

For at least the foregoing reasons, Applicants request withdrawal of the art rejection.

Applicants submit that all dependent claims now depend on allowable independent claims.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for withdrawing the prior art cited with regards to any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.
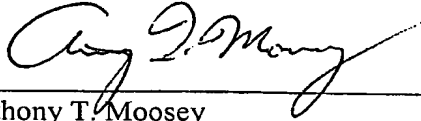
Applicants submit that the entire application is now in condition for allowance. Such

action is respectfully requested at the Examiner's earliest convenience.

Applicants' attorney can be reached by telephone at (781) 401-9988 ext. 123.

No fee is believed to be due for this Response; however, if any fees are due, please apply

such fees to Deposit Account No. 50-0845 referencing Attorney Docket: INTEL-012PUS.

Respectfully submitted,

Date: *October 31, 2008*

Anthony T. Moosey
Reg. No. 55,773

Attorneys for Intel Corporation
Daly, Crowley, Mofford & Durkee, LLP
354A Turnpike Street - Suite 301A
Canton, MA 02021-2714
Telephone: (781) 401-9988 ext. 123
Facsimile: (781) 401-9966